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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. ID-2003 63332

TERESA LYNN WALSH
4276 Churchill Drive
Pleasanton, CA 94588

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

Physical Therapist Assistant
License No. AT 1272

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings, that the following matters are true:

1. Complainant, Steven K. Hartzell, is the Executive Officer of the Physical
Therapy Board of California, Department of Consumer Affairs, State of California (hereinafter
“complainant”) and is represented by Bill Lockyer , Attorney General of the State of California
by Russell W. Lee, Deputy Attorney General.

2. Teresa Lynn Walsh, ("respondent") is represented in this matter by Kjell
C. Bomark-Noel, Esq., 1124 E. 14th Street., #B, San Leandro, CA 94577-3731, (510) 352-1030.
Respondent has counseled with her attorney concerning the effect of this Stipulated Settlement
and Disciplinary Order ("stipulation") which respondent has carefully read and fully understands.

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1 3. Respondent has received and read the Accusation which is presently on
2 file and pending in Case Number ID-2003 63332 before the Physical Therapy Board of
3 California, Department of Consumer Affairs, State of California (hereinafter "Board"), a copy of
4 which is attached as Exhibit A and incorporated herein by reference.

5 4. Respondent understands the nature of the charges alleged in the
6 Accusation and that, if proven at hearing, such charges and allegations would constitute cause for
7 imposing discipline upon respondent's license issued by the Board. Respondent and her counsel
8 are aware of each of respondent's rights, including the right to a hearing on the charges and
9 allegations, the right to confront and cross-examine witnesses who would testify against
10 respondent, the right to testify and present evidence on her own behalf, as well as to the issuance
11 of subpoenas to compel the attendance of witnesses and the production of documents, the right to
12 contest the charges and allegations, and other rights which are accorded respondent pursuant to
13 the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) and other applicable
14 laws, including the right to seek reconsideration, review by the superior court, and appellate
15 review.

16 5. In order to avoid the expense and uncertainty of a hearing, respondent
17 freely and voluntarily waives each and every one of these rights set forth above. Respondent
18 admits and agrees that pursuant to her conduct, cause exists to discipline Physical Therapist
19 Assistant License No. AT 1272 for unprofessional conduct pursuant to Business and Professions
20 Code sections: 810(a)(1), 810(a)(2), 810(b), and 2660(l).

21 6. Respondent understands that by signing this stipulation, she is enabling the
22 Board to issue its order imposing disciplinary action upon her license without further process.
23 Respondent understands and agrees that Board staff and counsel for complainant may
24 communicate directly with the Board regarding this stipulation, without notice to or participation
25 by respondent or her counsel. In the event that this stipulation is rejected for any reason by the
26 Board, it will be of no force or effect for either party. The Board will not be disqualified from
27 further action in this matter by virtue of its consideration of this stipulation.

28 7. Based on the foregoing admissions and stipulated matters, the parties agree

that the Board shall, without further notice or formal proceeding, issue and enter the following order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physical Therapist Assistant License No. AT 1272 issued to respondent Teresa Lynn Walsh is revoked. However, said revocation is stayed and respondent is placed on probation for three (3) years on the following terms and conditions:

A. License Suspension

As part of probation, respondent's Physical Therapist Assistant License No. AT 1272 is suspended for 30 days beginning the effective date of this decision.

B.. Restriction of Practice - Supervision

Respondent shall only perform physical therapy under the supervision of a licensed physical therapist who holds a valid unrestricted license and who is present in the facility whenever patient care is rendered.

C. Restriction of Practice- Home Care

The respondent shall not provide physical therapy services in a patient's home.

D. Restriction of Practice - Prohibition of Self Employment Or

Ownership

Respondent may not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent may not be a officer of any corporation that offers or provides physical therapy services. Respondent may not employ physical therapists, physical therapist assistants or physical therapy aides.

E. Restriction of Practice - Prohibition of Direct Insurance Billing

Respondent shall not have final approval over any billings submitted to any third-party payors in any employment as a physical therapist assistant.

F. Restriction of Practice - No Employment or Supervision of Physical Therapy Student Interns.

Respondent shall not be a clinical instructor to any physical therapy student

1 interns during the entire period of probation. Respondent shall terminate any such relationship in
2 existence on the effective date of this probation.

3 **G. Obey All Laws**

4 Respondent shall obey all federal, state and local laws, and statutes and regulations
5 governing the practice of physical therapy in California.

6 **H. Compliance With Orders of a Court**

7 The respondent shall be in compliance with any valid order of a court. Being found
8 in contempt of any court shall constitute a violation of probation

9 **I. Compliance With Criminal Probation and Payment of Restitution**

10 Respondent shall not violate any terms and conditions of criminal probation and be
11 in compliance with any restitution ordered.

12 **J. Quarterly Reports**

13 Respondent shall submit quarterly declarations under penalty of perjury on forms
14 provided by the Board, stating whether there has been compliance with all the conditions of
15 probation.

16 **K. Probation Monitoring Program Compliance**

17 Respondent shall comply with the Board's probation monitoring program.
18 Respondent shall, at all times, keep the Board informed of her addresses of business and
19 residence which shall both serve as addresses of record. Changes of such addresses shall be
20 immediately communicated in writing to the Board. Under no circumstances shall a post office
21 box serve as an address of record, except as allowed by the California Code of Regulations.

22 Respondent shall, at all times, maintain a current and renewed physical therapy
23 assistant license.

24 Respondent shall also immediately inform the Board, in writing, of any travel to
25 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than
26 thirty (30) days.

27 **L. Interview With the Board or its Designee**

28 Respondent shall appear in person for interviews with the Board, or its designee,

upon request at various intervals and with reasonable notice.

M. Notification of Probational Status to Employers

The respondent shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Accusation (statement of issues) and the Decision and Order (or Stipulated Settlement) to the employer. The respondent shall obtain written confirmation from the employer that the documents were received. If the respondent changes, or obtains additional employment, the respondent shall provide the above notification to the employer and submit written employer confirmation to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

N. Notification of Change of Name or Address

The respondent shall notify the Board, in writing, of any and all changes of name or address within 30 days.

O. Restriction of Practice - Temporary Services Agencies

Respondent shall not work for more than one temporary service agency or registry at a time. Respondent shall not work at more than 5 locations within a 30 day period through the temporary service agency or registry. Respondent shall disclose her probationary status to each location where she provides physical therapy assistant services.

P. Prohibited Use of Aliases

Respondent may not use aliases and shall be prohibited from using any name which is not his/her legally-recognized name or based upon a legal change of name.

Q. Intermittent Work

If the Respondent works less than 192 hours as a physical therapist assistant, in the P.T. profession, in a period of six months, respondent shall complete one continuing education or college course, approved by the Board in advance, related to the performance of physical therapy, for each six month period.

R. Tolling of Probation

The period of probation shall run only during the time respondent is practicing

1 within the jurisdiction of California. If, during probation, respondent does not practice within the
2 jurisdiction of California, respondent is required to immediately notify the probation monitor in
3 writing of the date that respondent's practice is out of state, and the date of return, if any. Practice
4 by the respondent in California prior to notification to the Board of the respondent's return will
5 not be credited toward completion of probation. Any order for payment of cost recovery shall
6 remain in effect whether or not probation is tolled.

7 **S. Violation of Probation**

8 If respondent violates probation in any respect, the Board, after giving respondent
9 notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order
10 that was stayed. If an accusation or petition to revoke probation is filed against respondent during
11 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of
12 probation shall be extended until the matter is final.

13 **T. Cease of Practice Due To Retirement, Health or Other Reasons**

14 Following the effective date of this probation, if respondent ceases practicing
15 physical therapy (or performing as a physical therapist assistant) due to retirement, health or
16 other reasons respondent may request to surrender his/her license to the Board. The Board
17 reserves the right to evaluate the respondent's request and to exercise its discretion whether to
18 grant the request, or to take any other action deemed appropriate and reasonable under the
19 circumstances. Upon formal acceptance of the tendered license, the terms and conditions of
20 probation shall be tolled until such time as the license is no longer renewable, the respondent
21 makes application for the renewal of the tendered license or makes application for a new license.

22 **U. Completion of Probation**

23 Upon successful completion of probation, respondent's license shall be fully
24 restored. Pursuant to Business and Professions Code section 2661.7, respondent may petition for
25 reduction or termination or modification of probationary terms after two years of probation.

26 **V. Written Exam On the Laws Regulations Governing the Practice of**
27 **Physical Therapy**

28 Within 90 days of the effective date of this decision, respondent shall take and

1 pass the Board's written examination on the laws and regulations governing the practice of
2 physical therapy in California. If respondent fails to pass the examination, respondent shall be
3 suspended from the practice of physical therapy until a repeat examination has been successfully
4 passed.

5 **W. Practice Or Performance of Physical Therapy While On Probation**

6 It is not contrary to the public interest for the respondent to perform
7 physical therapy under the probationary conditions specified in the disciplinary order.

8
9 **ACCEPTANCE**

10 I, Teresa Lynn Walsh, have read the above Stipulated Settlement and Disciplinary
11 Order. I have fully discussed the terms and conditions and other matters contained therein with
12 my attorney. I understand the effect this Stipulated Settlement and Disciplinary Order will have
13 on my Physical Therapist Assistant License No. AT 1272, and agree to be bound thereby. I enter
14 this stipulation freely, knowingly, intelligently and voluntarily.

15 DATED: January 23, 2004 ..

16 Original Signed By:
17 TERESA LYNN WALSH
Respondent

18 I have read the above Stipulation Settlement and Decision and approve of it as to
19 form and content. I have fully discussed the terms and conditions and other matters therein with
20 respondent.

21 DATED: January 23, 2004 ..

22
23 Original Signed By:
24 KJELL C. BOMARK-NOEL, ESQ.
Attorney for Respondent

25
26 **ENDORSEMENT**

27 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
28 submitted for consideration of the Physical Therapy Board of the Medical Board of California,

1 Department of Consumer Affairs.

2 DATED: January 23, 2004.

3 BILL LOCKYER, Attorney General
4 of the State of California

5 Original Signed By:
6 RUSSELL W. LEE
7 Deputy Attorney General

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**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation
Against:

Case #: 1D 2003 63332

TERESA LYNN WALSH .

The attached Stipulated Settlement and Disciplinary Order, in case number 1D 2003 63332, is hereby adopted by the Physical Therapy Board, Department of Consumer Affairs, State of California.

This decision shall become effective on the 8th day of March, 2004.

It is so ordered this February 5, 2004 .

Original Signed By:
Don A. Chu, P.T., President
Physical Therapy Board
of California